



NGB.290
Docket No. H64-154426M/MNN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shigenori YAGUCHI, et al.

Serial No.: 10/659,271

Group Art Unit: 1756

Filed: September 11, 2003

Examiner: Goodrow, John L.

For: ELECTROPHOTOGRAPHIC TONER AND IMAGE-FORMING SYSTEM

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

**REQUEST TO RESTART REPLY PERIOD AND STATEMENT OF SUBSTANCE
OF INTERVIEW**

Sir:

In response to the Office Action dated April 19, 2006, Applicants request the Examiner to issue a new Office Action and to restart the period to respond to the Office Action.

Applicants point out that "[w]here **the citation of a reference is incorrect** or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by the applicant" (emphasis added by Applicants; see M.P.E.P. § 710.06).

Applicants submit that the Office Action dated April 19, 2006 contains an incorrect citation of a reference. Specifically, the Examiner has rejected claims 13 and 15 under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-129063 in view of Yaguchi et al., (see Office Action dated April 19, 2006 at page 3). However, the Examiner has not

provided a reference number for the Yaguchi et al. reference, and the reference number is not cited anywhere in the prosecution history.

Applicants' representative conducted a telephonic interview with the Examiner on May 8, 2006 regarding the above-identified error in the Office Action. Applicants' representative would like to thank the Examiner for courtesies extended in the telephonic interview conducted on May 8, 2006.

Applicants submit this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

The rejection of claims 13 and 15 in the Office Action dated April 19, 2006.

B. Identification of prior art discussed:

None.

C. Identification of principal proposed amendments:

None.

D. Brief Identification of principal arguments:

Applicants' representative respectfully pointed out that an error existed in the Examiners' 35 U.S.C. § 103(a) rejection of claims 13 and 15.

E. Results of the Interview:

The Examiner conceded that an error existed in the Office Action and agreed to prepare a new Office Action correcting the citation error and to restart the period to reply to the Office Action.

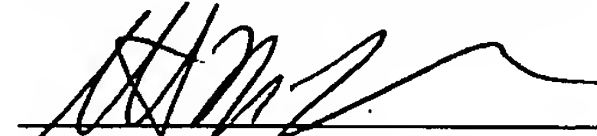
F. Conclusion:

Applicants respectfully submit that since the citation of a reference in the Office Action is incorrect, and since the error was brought to the attention of the Patent Office within one (1) month of the mailing date of the Office Action, the Examiner is required to correct the error and restart the period to respond to the Office Action.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: May 9, 2006

Respectfully Submitted,



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254